

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

CHAMBERS OF
CATHERINE C. BLAKE
UNITED STATES DISTRICT JUDGE

U.S. COURTHOUSE
101 WEST LOMBARD STREET
BALTIMORE, MARYLAND 21201
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June 30, 2020

MEMORANDUM TO COUNSEL

Re: *United States v. Kittrell Decator*
Criminal Action No. CCB-95-202

Dear Counsel:

On April 6, 2020, the court granted Kittrell Decator's motion for compassionate release and reduced his sentence to time served. (ECF 360, 361). Because two of Decator's counts of conviction were severed and tried separately, his sentence originally was pursuant to two separate Judgment & Commitment ("J&C") orders. When Decator filed his motion for compassionate release, the sentence set forth in the J&C in Case No. 94-281 had already expired, but he remained incarcerated pursuant to the J&C in Case No. 95-202. Following the court's April 6, 2020, Memorandum and Order reducing Decator's sentence to time served, the court issued an Amended J&C in Case No. 95-202. (ECF 380). As the prior J&C in that case did not include restitution, neither did the Amended J&C. The J&C in Case No. 94-281, however, did impose restitution in the amount of \$1,333.00 to be paid to Maryland National Bank. (ECF 408-2).

Decator has requested clarification on whether he remains responsible for the restitution ordered in Case No. 94-281. (ECF 395). The government contends that he is, and requests that the court amend the J&C in that case to change the payee from Maryland National Bank (which no longer exists) to Bank of America, the successor entity. (ECF 408). If Decator wishes to respond to the government's arguments, he should do so within 14 days. Mindful that Decator may soon be in violation of his supervised release due to nonpayment of restitution, the court suspends the obligation to pay until the issue is resolved. Furthermore, the parties should provide to the court, by confidential email, a copy of the Pre-Sentence Report.

Despite the informal nature of this ruling, it shall constitute an Order of the Court, and the Clerk is directed to docket it accordingly.

Sincerely yours,

/S/
Catherine C. Blake
United States District Judge

cc: U.S. Probation Office